

SIXTY-SEVENTH DAY.

SENATE CHAMBER. }
Austin, April 1, 1891. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—24.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Potter,
Carter,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Sims,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Weisiger,
Garwood,	McKinney,	Whatley.

ABSENT—3.

Mott, Pope, Townsend.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Kimbrough, the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Memorial from the citizens of Wilbarger county asking that surveys made by virtue of Confederate certificates be validated.

Read first time and referred to committee on Public Lands.

On motion of Senator Frank the journal of yesterday was corrected to show that the Senate concurred in all the House amendments to Senate bill No. 300.

Ordered.

On motion of Senator Kimbrough, Senator Glasscock was excused for yesterday on account of important business.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred

Senate bill No. 282, it being "An act to provide for an additional permanent fund for the University of the State of Texas, including the main university and all of its other branches, by the issue of interest bearing State bonds to be appropriated to said fund, and to provide for the refunding to the State the principal and interest

of said bonds by the disposition by sale or lease of the bonds that belong, or may hereafter belong to said fund."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

CLEMENS.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 128, it being "An act to authorize the State Board of Education to invest the permanent school fund in the bonds of incorporated cities and towns, and to provide and regulate the manner of such investment,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

CLEMENS,
Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred

Joint Resolution No. 17, authorizing the Governor of the State of Texas to receive and receipt for all money due the State of Texas by the United States government under act of congress, approved March 2, 1891,"

Have had the same under consideration, and I am instructed to report it back with the recommendation that it be adopted.

All of which is respectfully submitted.

CLEMENS,
Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 183, being "An act to amend sections, 1, 5, and 15 of chapter 55 of the acts of 1889, in reference to commission of appeals, and sections 6, 9 and 13 and 14 of chapter 95, entitled an act to create a commission of arbitration and award and define the powers and duties thereof and to make an appropriation to pay the salaries of the judges thereof,"

And find the same correctly enrolled and have this day at 2 o'clock p. m. presented the same to the Governor for his approval.

KEARBY,
Acting Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 339, being an act entitled "An act amendatory of and supplemental to an act entitled 'An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' approved January 23, 1874, and act amendatory thereof, and to validate the same and acts thereunder,"

And find the same correctly enrolled, and have this day, at 2 o'clock p. m., presented the same to the Governor for his signature.

J. G. KEARBY,
Acting Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 30, being an act to amend articles 1706 and 1715 of the revised statutes of the State of Texas,

And find the same correctly engrossed.

CARTER,
Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 367, being an act to amend chapter 2, title 11, of the revised civil statutes of the State of Texas, relating to county attorneys, by adding thereto article 245a,

And find the same correctly engrossed.

CARTER,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 1, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 58, being "An act to provide for advertisement notices of all judicial or forced sales in some newspaper for three consecutive weeks, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.

CARTER,
Chairman.

COMMITTEE ROOM,
Austin, April 1, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 351, being "An act to provide for the punishment of persons furnishing, giving or using any false pedigree, or false certificate of sale,"

And find the same correctly engrossed.

CARTER,
Chairman.

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 373, being "An act to provide for the election of the commissioner of agriculture, insurance statistics and history at the general election in 1892, and at every general election thereafter,"

And find the same correctly engrossed.

CARTER,
Chairman.

COMMITTEE ROOM,
Austin, April 1, 1891.

Hon. George C. Pendleton, President of Senate:

Sir—Your committee on Counties and County Boundaries, to whom was referred

House bill No. 43, being "A bill to be entitled an act to repeal an act entitled an act to amend article 711 of the revised civil statutes, defining the boundary of Aransas county, approved March 17, 1887, and to re-enact the former boundary of said county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STEPHENS,
Chairman.

COMMITTEE ROOM,

Austin, March 30, 1891.

To Hon. George C. Pendleton, President of the Senate, and Hon. R. T. Milner, Speaker of the House of Representatives:

Your Free Conference committee, to whom was referred

The difference existing between the two houses for settlement on

Senate bill No. 2, being "An act to empower the State board of education to procure for use in the common schools of the State of Texas a series of text books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act and declaring an emergency, have had the same under careful consideration and beg leave to submit the following.

That the Senate concur in the following House amendment:

1. Insert in the bill wherever it occurs "public free schools" for "common schools."

That Section 1 be amended as follows:

Strike out all after "books" in Section 1 down to and including the word "oath." Strike out in same section after the word "indicated" down to and including the word "educators."

Amend same section by striking out the words "Physiology, which shall include the effects of alcohol on the human system," and insert in lieu thereof "the elements of physiology and hygiene." Further amend same section by striking out the words "history of the State of Texas." Add to end of section 1 the following: "Provided that the books adopted shall be at least equal in size and quality as to subject matter, material, style of binding and mechanical execution, to books now in use in the public free schools of this state." Also strike out in same section "the oath clause."

As thus amended that it be adopted. Section 2, House amendment:

Section 2. The said board shall, immediately upon taking effect of this act, advertise for such time and in such manner as they deem best to obtain the desired information, that at a time and place to be fixed by said notice, and not

later than two months after the first publication thereof, said board will receive sealed proposals as follows: From the publishers of school text books for furnishing books to the schools of the State, through agencies established by said publishers in the several counties of the State, as may be provided for in such regulations as the said board may adopt. No bid from any publisher shall be entertained by said board made for a less period of time than five years. Said bid or bids shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books proposed to be furnished; provided it shall be required of the bidders to deposit with the treasurer of the state such sum of money as the board may require, not less than \$500 and not more than \$2500, according to the number of books each bidder may propose to supply. Such deposit shall be forfeited to the state absolutely if such bidder so depositing any sum shall fail to make and execute such contract and bond as is herein required, within such time as the board of education may require, which time shall be stated in the notice advertised.

All bids shall be deposited, sealed, with the comptroller of the state, to be by him delivered to the board of education when they are in session for the purpose of considering the same when they shall be opened in the presence of the board.

Whenever any person has been awarded a contract and filed his bond and contract with the board, the said board shall make an order on the treasurer of the state, reciting such fact, whereupon the treasurer shall return the deposit of such successful bidder; but if any such successful bidder shall fail to make and execute the contract and bond as hereinbefore required, the treasurer shall place such special deposit into the state treasury to the credit of the available school fund, and the board of education shall readvertise if they conclude to do so, for other bidders to supply such books which the successful bidder may have failed to supply. All unsuccessful bidders shall have their special deposits returned to them as soon as the board of education has decided not to accept their bids. All books selected and adopted by the board shall be printed or written in English.

The board of education may stipulate in the contract for supplying

books as herein provided that the contractor or contractors shall exchange the contract books for all books actually in use, and for which purpose the value of the books in use shall be deducted from the contract price of the new books provided.

The successful bidder to supply any books who may have had awarded to him or them any contract, shall within the time fixed by the board of education, enter into contract and shall make and execute a good and sufficient bond, payable to the state of Texas, and in the sum of not less than ten thousand dollars signed by not less than three solvent sureties, who shall be residents of the state of Texas, to be approved by the governor, which said bond may be put in suit at any time upon suggestion of the board of education.

Such bond shall be conditional that the contractor or contractors faithfully and honestly perform the conditions of the contract. Said contract and bond shall be prepared by the attorney general and be made to conform to the requirements of this act.

That section 2 be amended as follows: Strike out in section 2 after the word "board" the words "of education" wherever it occurs in the section. Also amend by striking out the word "conditional" in last clause of section 2 and substitute the word "conditioned." Also strike out after the word "deposited" the word "into" and insert in lieu thereof the word "in."

That the Senate concur in the following House amendments:

Amend section 3 by striking out "or," line 16, also "proposals," line 17, also strike out "proposals or propositions," line 17, and insert "bids."

Also strike out all after "books," line 21, page 3, down to and including "fund," line 22, page 4.

Also by striking out "such," in line 22, page 4.

Committee also recommend that the words "of education" be stricken out wherever it occurs in section 3.

That the Senate concur in House amendment to section 6 after striking out the following:

"Address a circular letter to the trustees of all the public free schools of this state."

(House amendment):

Amend section 6 by striking out all after "any," line 29, down to and in-

cluding "district," line 1, page 6, and insert in lieu thereof "county judges may, in the name of the State of Texas, sue in the district court of his county, and recover on the bond given by the contractor under this act for the full value of the books so failed to be furnished for the use and benefit of the schools of this county, and the amount so recovered shall be placed to the credit of the available school fund in the county so recovering it." Also page 6, make line 8 read as follows:

That section 7 be amended as follows: "As soon as may be practicable after the adoption provided for in this act, the State Superintendent of public instruction shall address a circular letter to the county superintendents and the presidents of such boards in independent school districts, which letter shall contain a list of the books adopted, the prices, methods of distribution and such other information as he may deem necessary."

That section 9 be stricken out and the following substituted:

Section 9. After the first day of September, 1891, or as soon thereafter as the board may deem practicable, the books adopted by the board as the uniform series of text books for the public free schools of this State, shall be introduced and used as text books to the exclusion of all other text books in the public free schools. Provide that nothing herein shall be construed to prevent the use of supplementary books."

That the House recede from the following amendment.

Amend section 9 by adding "provided nothing herein shall be construed to prevent the use of supplementary books."

That in place of the following House amendment amend section 10 by adding "for each offense and every day of such violation shall be considered a separate offense."

To section 10, substitute the following: "And each day or such violation shall constitute a separate offense."

That the Senate concur in House amendments to sections 11 and 13.

That the Senate concur in the House amendment to section 12 as follows:

Amend section 12 by adding "the superintendent of public instruction is hereby authorized to employ one additional clerk at a salary of not more

than \$1200 per annum for the purpose of carrying out the provisions of this act, said clerk to be paid in such manner as other employes in his office."

That the following be inserted in the enrolled bill as section 14 as committee amendment:

Section 14. "Any city or town which has assumed control of its schools, and which has already adopted a uniform system of text books, shall not be required to comply with the provisions of this act prior to the 1st September, 1892."

That the House recede from the following House amendment:

Section 15. That in case no satisfactory bid be made by any responsible publisher for furnishing books as here in provided, then the board of education is authorized and empowered to secure from any author or authors the manuscript and copyright of any text book herein prescribed, and shall thereupon call upon the State Printing Board of the State to put the State printing office in proper condition to print and bind the said books for distribution throughout the State, and said printing board shall cause said books to be printed, bound and distributed among the several counties, cities and towns of the State to be sold at the cost of production and the cost of distribution and delivery. Said books shall be distributed so far as practicable under the rules prescribed in this act, and shall have power to prescribe such additional rules as may be necessary to secure a proper distribution of such text books.

In order to carry out the provisions of this section the sum of one hundred thousand dollars or so much thereof as may be necessary, is hereby appropriated, to be paid out upon the order of the board of public printing.

That the sections after section 14 be numbered to conform in number after that section in consecutive order.

All of which is respectfully submitted

McKINNEY,
FRANKMAN,
ROGERS,
KING of Burleson,
JESTER,
House Committee.
BURNBY,
GLASSCOCK,
PAGE,
GARWOOD,
KIMBROUGH,
Senate Committee.

Senator Page moved to adopt the report of the free conference committee on the difference between the two houses on Senate bill No. 2.

Adopted.

I signed free conference committee report on the difference between the two houses on Senate bill No. 2 not because I am in favor of state uniformity of text books, but because I do not want to be captious and act in the role of an obstructionist when a majority of both houses of the legislature entertain views different from those entertained by myself.

KIMBROUGH.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE. }
Austin, Texas, March 31, 1891.
Hon. Geo. C. Pendleton, President of
the Senate:

Sir—I am instructed to inform the Senate that the House has passed

Senate bill No. 316, being a bill to be entitled "An act to amend an act entitled an act to amend article 425c, chapter 55, of the Revised Civil Statutes of the State of Texas, as passed by the Twentieth Legislature of the State of Texas, by an act approved March 23, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water works, sewers, improvements of roads and bridges, streets and other permanent improvements, to issue bonds therefor, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Ayes, 81; Noes, 1.

Senate Bill No. 304, "An act to authorize the governor to appoint a state revenue agent and to prescribe his powers and duties, with amendments attached."

House Bill No. 138, "An act to regulate the sale of products of the penitentiaries, to prevent discrimination therein, and to prescribe penalties for the violation of the provisions of this act."

House bill No. 574. "An act for the protection of certain birds and their eggs, and prescribing penalties for violations of this act."

House bill No. 235, "An act to amend chapter 4, title 93, of the Revised civil statutes, for the prevention of certain animals from running in

counties and subdivisions of counties.

Also that the House has concurred in Senate amendments to House bill No. 77.

That the House grants the request of the Senate for a free conference committee on substitute Senate bill No. 147 and appoints Messrs. King of Burleson, Browning of Donley, Perry, McKinney and Swayne as such committee on the part of the House.

SAM H. DIXON,
Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Frank:

A bill to be entitled an act to provide for the enforcement of payment against the parent county and such counties as have been wholly created from it of demands existing prior to the creation of such new counties.

Read first time and referred to Judiciary committee No. 1.

By Senator Stephens:

Joint resolution to amend sections 1, 2 and 21 of the constitution of the state of Texas.

Read first time and referred to committee on Constitutional Amendments.

Senator Garwood moved to postpone pending business and take up out of its regular order House bill No. 473, entitled an act to amend chapter 1, article 13, of the penal code by adding thereto article 405a.

Adopted and bill read second time, with a favorable committee report.

The bill was ordered to a third reading.

Senator Page moved to postpone pending business and take up the motion to reconsider the vote passing House bill No. 456, entitled an act to authorize the Galveston and Western Railway company to acquire the property and franchises of the Galveston Air Line Railway Company to own wharves and elevators and to consolidate with other railway companies in this state, and to lay that motion on the table, which motion prevailed by the following vote:

YEAS—22.

Atlee,	Kearby,	Seale,
Burney,	Lubbock,	Simkins,
Clemens,	Maetze,	Sims,
Crane,	McKinney,	Stephens,
Garwood,	Page,	Townsend,
Glasscock,	Pope,	Weisiger,

Harrison,	Potter,	Whatley.
Johnson,		

NAYS—3.

Carter,	Finch,	Kimbrough.
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On the motion to table the motion to reconsider the following vote was taken:

YEAS—12.

Atlee,	Harrison,	Pope,
Burney,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Garwood,	Page,	Townsend.

NAYS—12.

Carter,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Finch,	McKinney,	Weisiger,
Glasscock,	Potter,	Whatley.

There being a tie the chair voted "aye" and the motion to reconsider was tabled.

REGULAR ORDER.

Substitute House bills Nos. 6, 89 and 91, entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as assignments, and to prescribe rates for administering same."

Taken up and read second time with favorable committee report.

Senator Potter moved to postpone pending business and take up out of its regular order Senate joint resolution No. 17 authorizing the governor of the state of Texas to receive and receipt for all money due the state of Texas by the United States government under act of congress. approved March 2, 1891.

Adopted.

And resolution read second time with a favorable committee report.

Senator Glasscock offered the following amendment:

Amend by adding section 2 to read as follows:

Section 2. Whereas, the last session of congress passed an act authorizing the refunding to the citizens of the several states, the direct tax collected under the act of congress of 1861, and said act requires of each state an act of the Legislature, accepting the return of said tax, and the further fact that the present Legislature is nearing an adjournment, therefore an emergency and an imperative public necessity exists requiring the constitutional rule for bills to be read on three several days to be suspended, and said rule is hereby suspended.

Adopted.

The joint resolution was ordered engrossed.

Senator Potter moved to suspend the constitutional rule requiring a bill

to be read on three several days, and that the resolution pass to a third reading and final passage.

Adopted by the following vote:

YEAS—26.

Atlee,	Harrison,	Potter,
Burney,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley,
Glasscock,	Pope,	

NAYS—None.

Joint resolution read third time and passed by the following vote:

YEAS—25.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Johnson,	Potter,
Clemens,	Kearby,	Seale,
Crane,	Kimbrough,	Sims,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Townsend,
Garwood,	McKinney,	Weisiger,
		Whatley,

NAYS—None.

Senator Townsend moved to postpone pending business and take up, out of its regular order

Senate joint resolution No. 16, proposing to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25 and 28 of the constitution of the state of Texas.

Adopted and joint resolution read second time with a favorable committee report

Senator Pope moved to consider the joint resolution by sections.

Adopted.

Section 1 considered and adopted.

Section 2 considered and adopted.

Section 3 read and considered.

Senator Stephens offered the following amendment:

Amend line 32, page 2, section 3, by striking out the word "October" and insert in lieu thereof the word "September."

Lost.

Senator Frank offered the following amendment:

Amend by adding after the word "capital," in line 1, page 3, section 3, the following: "Of the state."

Adopted.

Senator Stephens offered the following amendment:

Strike out the word "June" in line 32, page 2, section 3, and insert in lieu thereof the word "July."

Adopted by the following vote:

YEAS—15.

Crane,	Kimbrough,	Simkins,
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Finch,	Maetze,	Sims,
Harrison,	McKinney,	Stephens,
Johnson,	Page,	Townsend,
Kearby,	Potter,	Weisiger,

NAYS—11.

Atlee,	Frank,	Pope,
Burney,	Garwood,	Seale,
Carter,	Glasscock,	Whatley,
Clemens,	Lubbock,	

Senator Stephens offered the following amendment: Amend section 3, page 3, line 6, by adding the following: "Said clerks shall each receive for their services an annual salary of \$2000, and no more."

Senator Clemens offered the following substitute, which was accepted by Senator Stephens: Amend by inserting after the word "court" in line 6, page 3, whose net salary and fees shall not exceed from all sources \$3500, and any amount collected over and above this amount shall be returned to the state treasury.

Senator Burney offered the following substitute:

"Who shall receive such salaries and fees as the legislature may provide."

Adopted.

The amendment as amended was adopted.

Section 3, as amended, was adopted.

Section 4 considered and adopted.

Section 5 read and considered.

Senator Stephens offered the following amendment:

Amend section 5 by striking out the words: "and two other places, or the capital city only, if the legislature shall so provide."

Withdrawn.

Senator Stephens offered the following amendment:

Amend section 5, line 31, by striking out the word "June" and insert the word "July" in lieu thereof.

Adopted.

Senator Frank offered the following amendment:

Amend section 5, page 4, line 5, by striking out the word "four" and insert the word "six."

Adopted.

Section 5 as amended was adopted.

Section 6 read and considered.

Senator Sims offered the following amendment:

Amend section 6 by inserting after the word "courts" in line 16, page 4, the words, "or county courts," and inserting after the word "original," line 16, page 4, the word "or."

Senator Frank offered the following substitute: Amend by inserting after word "courts" in line 16, page 4, the

following: "and other inferior courts."
Withdrawn.

The amendment of Senator Sims was adopted.

Senator Seale offered the following amendment: Amend section 6, line 23, page 4, by striking out the words "each biennial" and insert instead "a general."

Adopted.

Senator Pope offered the following amendment:

After word "districts," line 10, page 4, insert the following: "And thereafter such additional districts as the increase of population and business may require."

Adopted.

Senator Sims offered the following amendment:

Amend section 3, page 2, by striking out all after the word "law" in line 17 of said section, down to word "each" in line 20.

Senator Stephens offered the following substitute for the amendment:

Amend by inserting in line 18, sec. 3 page 2, after "jurisdiction," the following: "in which the judges of any court of civil appeals may disagree," "or where the several courts of civil appeals hold differently on the same question of law," "or where a statute of the State is held void," and in such other cases as may be prescribed by law, and under such restrictions and regulations as may be prescribed by law.

The amendment as substituted was adopted.

(Senator Crane in the chair.)

Senator Carter offered the following amendment:

Amend section 6, line 1, page 5, by adding after the word "organization," the word "location."

Adopted.

By consent Senator Clemens presented the following report:

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 258, being a bill to be entitled "An act making appropriations for the support of the state government for the years beginning March 1, 1891, and ending February 28, 1893, and for other purposes."

Have had the same under consideration, and I am instructed to report the accompanying substitute back to the

Senate with the recommendation that it do pass.

Respectfully submitted.

CLERMANS, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
Twenty-second Legislature,
Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has adopted a concurrent resolution authorizing the appointment of a committee to investigate certain charges against the receivers and others in charge of the International and Great Northern Railway company.

That the House has receded from House amendments to Senate bill 295.

Also passed Senate bill 92, an act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes.

Ayes 75, noes 7, with amendment.

SAM H. DIXON,

Chief Clerk House of Representatives.

Senator Carter offered the following amendment to the pending bill.

Amend section 6, line 4, page 5, by adding after the word "appeals," "and the supreme court."

Adopted.

Senator Glasscock offered the following amendment:

Amend section 6, page 4, printed bill, by adding after the word "court," in line 30, the following: "Which clerk shall receive such compensation as may be fixed by law."

Adopted.

Section 6, as amended, was adopted.

Section 7 considered and adopted.

Section 8 considered and adopted.

Section 11 considered and adopted.

(Senator Kimbrough in the chair.)

Section 12 read and considered.

Senator Carter offered the following amendment:

Amend section 12, line 20, by adding after the word "carried" the word "on."

Adopted.

Section 12 as amended was adopted.

Section 16 read and considered.

Senator Johnson offered the following amendment:

Amend section 16 by striking out the word "other" in line 21.

Adopted by the following vote:

YEAS—19.

Burney,	Kimbrough, Seale,
Clemens,	Lubbock, Simkins,
Finch,	Maetze, Sims,

Garwood,	Page,	Stephens,
Glasscock,	Pope,	Weisiger,
Harrison,	Potter,	Whatley.
Johnson,		

NAYS—7.

Atlee,	Frank,	McKinney,
Carter,	Kearby,	Townsend.
Crane,		

Senator Glasscock offered the following amendment:

Amend section 16 by striking out all after line 31, on page 8 of the printed bill down to and including line 5 on page 9 and insert the following in lieu thereof: "When a judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law."

Adopted.

Section 16, as amended, was adopted.

The president in the chair.

Section 25 considered and adopted.

Section 28 considered and adopted.

Section 29 considered and adopted.

Section 30 considered and adopted.

Senator Carter moved to reconsider the vote adopting his amendment to section 6, page 5, line 4, which motion prevailed.

Senator Carter withdrew the amendment.

The joint resolution was engrossed.

The chair gave notice of signing, and signed in the presence of the Senate after their captions had been read,

House Joint Resolution No. 1, to amend section 11, article 16, of the constitution of the State of the Texas.

House bill No. 333, being "An act to rescind and amend the charter and dissolve the corporation known as the Bowers and Piney Creek railway company from all further duties and obligations thereunder."

Also House bill No. 544, entitled "An act for the relief of J. A. Belvin."

Also House bill No. 590, entitled "An act to amend an act entitled 'An act to grant a new charter to the city of El Paso,'" approved March 2, 1889.

Also House bill No. 456, entitled "Act act to authorize the Galveston and Western Railway company to acquire the property and franchises of the Galveston Air Line Railway company, to own wharves and elevators, and to consolidate with

other railway companies in this state."

Also House bill No. 326, entitled "An act to amend sections 6, 7, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 47, 56, 57, 58, 64, 76, 78, 82, 85, 86, 87, 88, 95, 102, 109, 115, 143 and 159 of "An act to incorporate the city of Fort Worth, and to grant a charter to said city, approved March 20, 1889, and by adding thereto sections 28a, 30a, 31a, 53a, 53b, 79a, 87a, 87b, 87c, 159a, 159b, 159c.

Senator Townsend presented the following privileged report:

COMMITTEE ROOM,
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate and Hon. R. T. Milner, Speaker of the House of Representatives:

Sirs—Your Conference committee to whom was referred the differences existing between the two houses for settlement on substitute Senate bill No. 147, being "An act to amend article 1054, chapter 2 title 15, of the code of criminal procedure," as amended by an act of the Twenty-first Legislature, approved April 4, 1889, have had the same under consideration and beg leave to submit the following:

That the Senate concur in House amendment to article 1054.

Your committee also recommend that the proviso to section 9 be stricken out.

All of which is respectfully submitted.

TOWNSEND,

FINCH,

POTTER,

FRANK,

SEALE,

For the Senate.

KING, of Burleson,

BROWNING, of Donley,

SWAYNE,

PERRY,

MCKINNEY,

For the House.

On motion of Senator Townsend the report was adopted.

Senator Page moved to postpone pending business and take up out of its regular order Senate bill No. 304, entitled an act to authorize the government to appoint a state revenue agent and to prescribe his powers and duties, for the purpose of considering the House amendments to the bill."

Adopted.

Senator Page moved to concur in the House amendments.

Adopted.

Senator Johnson moved to postpone pending business and take up concurrent resolution authorizing the appointment of a committee to investigate the case of Jay Gould versus the International and Great Northern Railroad company in the district court of Smith county, and all the proceedings had and done in said cause and in other causes in that and other courts of the state affecting said railroad company and its receivers.

Adopted and the concurrent resolution read first time.

On motion of Senator Stephens the Senate adjourned to 3:30 this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll call.

Quorum present.

The following senators answering to their names:

PRESENT—23.

Atlee	Glasscock,	Potter,
Burney,	Harrison,	Seale,
Carter,	Johnson,	Simkins,
Clemens,	Kearby,	Stephens,
Crane,	Lubbock,	Townsend,
Finch,	Meatze,	Weisiger,
Frank,	McKinney,	Whatley.
Garwood,	Page,	

ABSENT—1.

Mott.

On motion of Senator Potter the yesterday's Journal was corrected on page 6, completing the caption of a bill introduced by him.

On motion of Senator Stephens the journal was also corrected on page 4, showing that Senator Kearby and not he (Senator Stephens) introduced a bill regulating telegraphs.

The journal was further corrected on motion of Senator Frank on page 9, to show that Senate bill 295 and 294, was taken up on his motion, to postpone pending business.

By consent the following reports were handed in by their respective committees:

COMMITTEE ROOM,
Austin, April 1, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Stock and Stock Raising, to whom was referred

Senate bill No. 378, being a bill to be entitled "An act to amend section 1 of an

act approved March 23, 1889, entitled an act to amend chapter 25 of the acts of A. D., 1883, entitled an act to amend chapter 48, of the acts of A. D. 1887, an act to amend 46 of an act to encourage stock-raising and to protect stockraisers, approved April 22, 1879, and amended April 4, A. D., 1881, and April 12, 1880, and March 27, 1887, and March 29, 1886, by adding to section 1 section 1a,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

STEPHENS,
Acting Chairman.

COMMITTEE ROOM,
Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Stock and Stock Raising, to whom was referred

House bill No. 582, being a bill to be entitled "An act to amend chapter 75, of the acts of the regular session of the Twenty-first Legislature of the State of Texas," approved April 6, 1889, relating to butchers and slaughterers of cattle.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

STEPHENS,
Chairman.

COMMITTEE ROOM,
Austin, April 2, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred

Substitute House bill Nos. 69 and 195, being "An act to amend title 61 of the revised civil statutes of the State of Texas by adding thereto articles 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3179a, 3179b, 3179c, 3179d, 3179e, 3179f, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

CARTER,
Chairman.

COMMITTEE ROOM,
Austin, March 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed

bills have carefully examined and compared

Senate bill No. 280, being "An act authorizing the county commissioners' court of each county to appoint a commissioner of deeds to execute conveyances in the name of the county, of lands previously conveyed by such county where the records of such deeds have been destroyed,"

And find the same correctly engrossed.

CARTER, Chairman.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, }
 Wednesday, April 1, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has refused to concur in Senate amendment to Substitute House bill No. 112, and asks for a free conference committee, and that Messrs. Clegg, Crayton, Wurzbach, Williamson and McCuningham be appointed as said committee on the part of the House.

SAM. H. DIXON, Chief Clerk,
 House of Representatives.

On motion of Senator Glasscock the Senate granted the request of the House for a free conference committee on the difference between the two houses on Substitute House Bill No. 112 and the Chair appointed Senators Seale, Garwood, Glasscock, Pope and McKinney as such committee on the part of the Senate.

REGULAR ORDER.

Concurrent resolutions authorizing the appointment of a committee to investigate the case of Jay Gould versus the International and Great Northern railroad company in the district court of Smith county, and all the proceedings had and done in said cause and in other causes in that and other courts of the state affecting said railroad company and its receivers.

Taken up and read second time.

HOUSE BILLS REFERRED.

House bill No. 138, entitled "An act to regulate the sale of the products of the penitentiaries, to prevent discriminations therein and to prescribe penalties for the violation of the provisions of this act."

Read first time and referred to committee on Penitentiaries.

Also

House bill No. 235, entitled "An act to amend chapter 4, title XCIII, of the revised civil statutes for the pre-

vention of certain animals from running in counties and subdivisions of counties."

Read and referred to Judiciary committee No. 1.

Also

House bill No. 574, entitled "An act for the protection of certain birds and their eggs, and prescribing penalties for violation of this act."

Read first time and referred to committee on State affairs.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,)
 TWENTY-SECOND LEGISLATURE,)
 Austin, April 1, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed Substitute House bills 42 and 137, "An act to amend title 111, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, and to repeal all laws in conflict herewith."

SAM. H. DIXON, Chief Clerk
 House of Representatives.

Senator Kearby offered the following amendment to the pending concurrent resolution:

Amend by striking out all after the word "receivers" in line 10, down to and including the word "exposed" in line 20, page 1.

Senator Carter offered the following substitute for the amendment of Senator Kearby, which was accepted by the latter:

Substitute by striking out of the preamble that portion of same which says that "grave charges have been made in the public prints," and have the same to read that "grave charges have been made."

Lost by the following vote:

YEAS—12.

Atlee,	Glasscock,	McKinney,
Carter,	Johnson,	Page,
Clemens,	Kearby,	Smukins,
Crane,	Kimbrough,	Whatley.

NAYS—13.

Burney.	Lubbock,	Sims.
Finch,	Maetze,	Stephens,
Frank,	Potter,	Townsend.
Garwood,	Seale,	Weisiger.
Harrison,		

Senator Kimbrough offered the following amendment:

Amend by adding after the word "thereto," line 4, in section 1 the following:

"Said committee is specially directed to inquire into the charge that said receivers paid accounts for ser-

VICES rendered by certain newspapers of this State, and certain railroad attorneys and lobbyists or other persons in defeating legislation before the Twenty-first Legislature looking to the regulation and control of railroads in this State, and also to inquire into the charge that said receivers issued to members of said Twenty-first Legislature, through the agency of a member or members thereof, a large number of free passes over said International and Great Northern railroad, for the purpose, as alleged, of influencing their action on the pending railroad legislation."

Adopted by the following vote.

YEAS—15.

Atlee,	Glasscock,	Potter,
Burney,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Weisiger,
Crane,	Maetze,	Whatley.

NAYS—10.

Finch,	Lubbock,	Sims,
Frank,	McKinney,	Stephens,
Garwood,	Page,	Townsend,
Harrison,		

Senator Kearby offered the following amendment:

Amend section 1 by striking out all after the word "the" in line 28, page 1 down to and including the word "duration" in line 32, page 1, and insert in lieu thereof the following:

"Receiverships of railroad companies now pending in any of the courts within this State, the origin of such receiverships, the cause or causes of their duration."

Senator Burney moved to reconsider the vote adopting the amendment of Senator Kimbrough and asked to have that motion spread upon the journal.

Senator Burney moved to lay the amendment of Senator Kearby on the table subject to call.

Adopted by the following vote:

YEAS—22.

Atlee,	Harrison,	Seale,
Burney,	Johnson,	Simkins,
Carter,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Finch,	Page,	Townsend,
Frank,	Pope,	Weisiger,
Garwood,	Potter,	Whatley.
Glasscock,		

NAYS—4

Clemens,	Kimbrough,	McKinney,
Kearby,		

Senator Burney called up the motion to reconsider the vote adopting the amendment of Senator Kimbrough.

Senator Kimbrough moved to table

the motion to reconsider.

Lost by the following vote:

YEAS—11.

Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Weisiger,
Crane,	Maetze,	Whatley.
Glasscock,	McKinney,	

NAYS—15.

Atlee,	Harrison,	Potter,
Burney,	Johnson,	Seale,
Finch,	Lubbock,	Sims,
Frank,	Page,	Stephens,
Garwood,	Pope,	Townsend.

Question recurred to the motion to reconsider, which prevailed by the following vote:

YEAS—17.

Atlee,	Johnson,	Simkins,
Burney,	Lubbock,	Sims,
Finch,	McKinney,	Stephens,
Frank,	Page,	Townsend,
Garwood,	Potter,	Weisiger.
Harrison,	Seale,	

NAYS—9.

Carter,	Glasscock,	Maetze,
Clemens,	Kearby,	Pope,
Crane,	Kimbrough,	Whatley.

Upon reconsideration the amendment was lost by the following vote:

YEAS—10.

Atlee,	Glasscock,	Maetze,
Carter,	Kearby,	Pope,
Clemens,	Kimbrough,	Whatley.
Crane,		

NAYS—16.

Burney,	Lubbock,	Simkins,
Finch,	McKinney,	Sims,
Frank,	Page,	Stephens,
Garwood,	Potter,	Townsend,
Harrison,	Seale,	Weisiger.
Johnson,		

Senator Kearby called up his amendment, which had been laid on the table subject to call; and it was lost by the following vote:

YEAS—4

Clemens,	Glasscock,	Kearby,
		Kimbrough,

NAYS—22.

Atlee,	Johnson,	Simkins,
Burney,	Lubbock,	Sims,
Carter,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,	Potter,	
Harrison,	Seale,	

The concurrent resolution was adopted by the following vote.

YEAS—25.

Atlee,	Johnson,	Potter.
Burney,	Kearby,	Seale.
Carter,	Kimbrough,	Simkins,
Crane,	Lubbock,	Sims,
Finch,	Maetze,	Stephens,

Frank, McKinney, Townsend,
Garwood, Page, Weisiger,
Glasscock, Pope, Whatley,
Harrison,

NAYS—1.

Clemens,

Senator Garwood moved to postpone pending business and take up

Senate bill No. 92, entitled an act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes.

For the purpose of considering the House amendments.

Adopted, and on motion of Senator Garwood the House amendments were concurred in.

HOUSE BILLS REFERRED.

Substitute House bills No. 42 and 137, entitled "An act to amend title 111, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary committee No. 1.

Senate joint resolution No. 14, entitled "Joint resolution to amend section 2 of article 10 of the constitution of the state relating to railroads."

Taken up in regular order and read second time with a favorable committee report:

Senator Carter moved to adjourn to 10 a. m. tomorrow.

Adopted.

SIXTY-EIGHTH DAY

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, April 2, 1891. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—29.

Atlee,	Harrison,	Potter,
Burney	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Garwood,	Page,	Whatley,
Glasscock,	Pope,	

ABSENT—None.

Prayer by the chaplain, Dr. Smoot.
Pending the reading of the Journal,

on motion of Senator Clemens the further reading of the same was dispensed with.

The chair gave notice of signing and signed in the presence of the Senate, after their titles had been read, Senate bill No. 300, entitled an act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this State authorized by law to be sold and to empower such companies when so organized to purchase and extend.

Also Senate bill No. 371, entitled an act to create a more efficient road system for the county of Collin, in the State of Texas and making county commissioners ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county.

The following reports were handed in from their respective committees:

Austin, April 2, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

Senate bill No. 379, being a bill to be entitled "An act to authorize cities and towns to invest their sinking fund in interest paying securities, and providing for the manner of such investment,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman.

Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

House bill No. 574, being a bill to be entitled "An act for the protection of certain birds and the eggs and prescribing penalties for violations of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

Austin, April 2, 1891.

Hon. George C. Pendleton, President

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 376, being "A bill to be entitled an act to regulate telegraph